



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Roy R. Hutchinson, Jr.

DATE: June 16, 2005

SERIAL NO.: 09/783,906

GROUP ART UNIT: 3611

FILED: February 16, 2001

EXAMINER:

FOR: "Hull and Gunnel Protector for Use with Trolling Motors"

ATTORNEY DOCKET NO.: 99023.1

DECLARATION UNDER 37 C.F.R. §1.131

1. I am the named inventor in the above referenced patent application.
2. In late 2000 or early 2001, I retained George A. Bode as a patent attorney to prepare and file a patent application on my behalf for my invention above referenced. On March 12, 2001, I was told that my application was filed and assigned Serial No. 09/783,906. Attached is a copy of a letter mailed to me by George Bode and dated March 12, 2001.
3. Mr. Bode told me that it would be some time, even years before the Patent Office would review my application.
4. I attempted to contact Mr. Bode from time to time (about every six months as I recall) in order to learn about the status of my application. Each time I called I was told that there was no action issued yet by the Patent Office and that it takes time. I was told by Mr. Bode that "as soon as I know something you will know something". Each time I called, I was told that the inaction on my patent application was normal timing, that the Patent Office takes a long time to review each application.
5. I became concerned about the lack of information that I was receiving from Mr. Bode. I repeatedly called his office but was never able to learn why action on my patent application was taking so long. About one year ago, I checked the status of my application on the Patent Office website (www.uspto.gov). I entered my patent pending number and was told there was no information. I then repeated this story to Mr. Bode who informed me that this was normal timing, and that as soon as the Patent and Trademark Office acted on my application, the Patent Office website would show the status.

6. About 8 months ago, I asked Mr. Bode to send me my file. He agreed to send me my file, but never did. I called Mr. Bode on a number of occasions to secure my file, but was unsuccessful in obtaining it. I became so frustrated with Mr. Bode that I asked my sister to make an appointment with Mr. Bode as a new client. She called Mr. Bode and scheduled an appointment for February 21, 2005 on February 21, 2005. I went to Mr. Bode's office for this appointment and at the appointment time that had been scheduled by my sister. I confronted Mr. Bode about my application, wanting to know the status of my case. He became aggravated. He started to look through his files, then slammed the file drawer and asked me to leave. At that time, I was accompanied by a business associate, Sam Hummel.

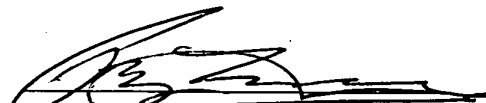
7. The day after the meeting, February 21, 2005, with Mr. Bode, I called the U.S. Patent Office about my case. I spoke with Mr. Steven Cronin who told me that Mr. Bode had been suspended from practice before the Patent Office. It is my understanding that this suspension was due in part for failure to communicate with clients that resulted in abandonment of their applications. As I recall, Mr. Steven Cronin told me that my above referenced patent application was abandoned.

8. On February 28, 2005 I made an appointment with another patent attorney, Charles Garvey of Metairie, LA. I signed a Power of Attorney to Mr. Garvey. In March, 2005 Mr. Garvey obtained a copy of the file history of my patent application. From this copy of the file history, I confirmed that my application was abandoned for failure to respond to a Notice to File Corrected Application Papers that was mailed to George Bode on March 16, 2001. I also learned from the file history copy obtained by Mr. Garvey that a Notice of Abandonment had been mailed to Mr. Bode January 3, 2003.

9. I was never told by Mr. Bode or anyone else about the Notice to File Corrected Application Papers nor given a copy of the Notice to File Corrected Application Papers.

10. I was never told by Mr. Bode that my application had been abandoned. I confirmed that my application was abandoned in March 2005 when I received the file history copy provided by Mr. Garvey.

4/27/05
Date


Roy R. Hutchinson, Jr.